

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #16-09

Maplewood Township, Essex County

WHEREAS, Maplewood Township, Essex County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 23, 2008; and

WHEREAS, Maplewood's petition was deemed complete on February 17, 2009; and

WHEREAS, Maplewood published notice of its petition in the *Star Ledger* on February 25, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended April 11, 2009; and

WHEREAS, Maplewood Township's fair share plan addresses its rehabilitation obligation of 125 units, a 51-unit prior round obligation, and an alternate municipal 114-unit projected growth share obligation pursuant to N.J.A.C. 5:97 2.3; and

WHEREAS, Maplewood Township's plan proposes to address its 125-unit rehabilitation obligation with 44 credits for rehabilitated units, a 71-unit municipal rehabilitation program, and a 10-unit county rehabilitation program; and

WHEREAS, Maplewood Township's plan proposes to address its 51-unit prior round obligation with 51 prior cycle age-restricted rental credits from the Maplewood Senior Citizen Housing development; and

WHEREAS, Maplewood Township's plan proposes to address its projected growth share obligation with 28 prior cycle age-restricted rental credits from the Maplewood Senior Citizen

Housing development, 33 post-1986 supportive and special needs housing rental credits and three supportive and special needs housing rental bonuses, for a total of 64 credits; and

WHEREAS, Maplewood Township's plan proposes to address its remaining 50-unit projected growth share obligation with 12 family rental units in Redevelopment Areas 1 and 3, 15 family rental units at the Universal Chain Redevelopment Site, 23 family for-sale units in Redevelopment Area 2, and 12 rental bonuses for development at the Universal Chain Redevelopment Site, leaving Maplewood with a 12-unit surplus; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Maplewood has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.6 for Redevelopment Areas 1, 2, and 3 and development at the Universal Chain Redevelopment Site; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on May 21, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Maplewood Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments.

NOW THEREFORE BE IT RESOLVED the Housing Element and Fair Share Plan submitted by Maplewood Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Maplewood Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Maplewood Township shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if Maplewood Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Maplewood shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Maplewood shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Maplewood's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Maplewood's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Maplewood and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a

realistic opportunity for the creation of affordable housing, COAH may direct Maplewood Township to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Maplewood shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Maplewood's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Maplewood Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on June 10, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style with a large initial "R".

Renee Reiss, Secretary
Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
May 21, 2009***



Municipality: Maplewood Township
County: Essex County

COAH Region: 2
Planning Area: 1
Special Resource Area: None

Housing Element and Fair Share Plan Adopted: 12/16/2008
Petition for 3rd Round Substantive Certification: 12/23/2008
Completeness Determination: 2/17/2009
Date of Publication: 2/25/2009

Objections Received: No

Petition Includes:

VLA: No
GPA: Yes
Waiver: No

Date of Site Visit: 5/22/2009

History of Approvals:

	COAH	JOC	N/A
First Round:		7/9/1993	
Second Round:	6/6/2001		
Extended Certification:			X

Plan Preparer: Janice Talley, P.P., AICP – Talley Planning Associates

Municipal Housing Liaison: Jean Plantin – Assistant Township
Administrator

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	125
Prior Round Obligation	51
Projected Growth Share Obligation (Adjusted)	114

ACTUAL GROWTH and GROWTH SHARE through 9/30/2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
38	8	182	11	19 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 125 units				
Credits	Post-April 1, 2000	44		44
Programs	County and Municipal		81	81
Rehabilitation Subtotal				125
NEW CONSTRUCTION				
Prior Round: 51 units				
Credits	Prior Cycle	51		51
Prior Round Subtotal				51
Growth Share: 114 units				
Credits	Prior Cycle	28		28
	Post-1986	33		33
Proposed Mechanism	Redevelopment		50	50
Growth Share Bonuses	Rental	3	12	15
Growth Share Subtotal				126
Surplus				12

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Maplewood's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Maplewood has a rehabilitation share of 125 units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Maplewood has a prior round obligation of 51 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) growth projections for 2004 through 2018. Pursuant to Appendix F of N.J.A.C. 5:97, Maplewood has a residential growth projection of 241 units

and a non-residential growth projection of 329 jobs, which results in an initial projected growth share obligation of 69 units. However, N.J.A.C. 5:97-2.3 permits municipalities to rely on an alternate municipal growth projection in excess of the growth projection published by COAH.

Maplewood included the required Workbook B with its petition for substantive certification (attached as Appendix A) which results in an initial projected growth share based on actual growth to date and anticipated future growth. After subtracting the allowable exclusions for sites addressing the prior round obligation, Maplewood's growth share projection is increased from 69 units to 114 units. Upon review of the municipal alternate growth projection, COAH has determined that it satisfies the requirements of N.J.A.C. 5:97-2.3 and warrants an adjustment to the growth projection published by COAH. Therefore, Maplewood's total projected growth share for the period 1999-2018 is 114 affordable units consisting of a 101.6-unit projected residential growth share and a 12.5-unit projected non-residential growth share.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	125
Prior Round Obligation	51
Projected Growth Share Obligation (Adjusted)	114

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

² Pursuant to N.J.A.C. 5:97-2.2(d), Maplewood's residential growth projection of 508 is divided by 5 to yield 101.6 units and the non-residential growth projection of 200 jobs is divided by 16 to yield 12.5 units. Maplewood's total projected growth share is therefore 114 units (101.6 + 12.5).

Maplewood's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Maplewood is requesting credit for 44 units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Rehabilitation Credits

Rehabilitation Program	# Credits
Maplewood Affordable Housing Program	33
Essex County Home Improvement Program	11
TOTAL	44

Proposed Rehabilitation Programs

Maplewood Affordable Housing Program

Maplewood will utilize its Maplewood Affordable Housing Rehabilitation Program to address 71 units of its rehabilitation obligation.

The Township's municipal rehabilitation program is made available to both owner-occupied and rental units. Maplewood's Affordable Housing Committee oversees the program at the municipal level. Maplewood has submitted to COAH a current contract with Community Grants, Planning and Housing to administer its rehabilitation program. The Township has additionally provided a copy of its current rehabilitation operating manual and affirmative marketing plan.

Maplewood will utilize \$155,245 in affordable housing trust funds to finance the rehabilitation program. In the event that insufficient development fees are collected to finance the program, the Township's spending plan indicates that Maplewood will dedicate a minimum of \$60,000 per year from its general revenue in support of the program. Maplewood's Township Committee passed a resolution of intent to appropriate

funds from the general revenue or bond in the event of a funding shortfall on December 16, 2008. It is anticipated that seven units per year will be rehabilitated during the first nine years of the program and one unit will be rehabilitated in the tenth year of the program.

Essex County Home Improvement Program

Maplewood will rely on the Essex County Home Improvement Rehabilitation Program to address the remaining 10 units of its rehabilitation obligation.

The Essex County Home Improvement Program is funded through a Community Development Block Grant program and is made available for both owner-occupied and rental units. Program funds are used to provide deferred payment loans to low- and moderate-income households for the purpose of housing rehabilitation. The program is administered by the Essex County Division of Housing and Community Development. Maplewood does not anticipate expending any affordable housing trust funds on this program. It is anticipated that one unit per year will be rehabilitated through the county program over the course of third round substantive certification.

Proposed Rehabilitation Programs

Rehabilitation Program	# Units
Maplewood Affordable Housing Program	71
Essex County Home Improvement Program	10
TOTAL	81

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Maplewood is addressing its prior round obligation with 51 prior cycle credits, which were included in a prior round Judgment of Compliance. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11. As Maplewood is

relying entirely on prior cycle credits, prior round obligation parameters are not applicable.

Prior Cycle Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/ Bedrooms
Maplewood Senior Citizen Housing	1979 ³	Age-restricted rental	51
TOTAL			51

Proposed Affordable Housing Mechanisms

Maplewood is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Maplewood is addressing 69 units of its projected growth share obligation with 28 prior cycle credits and 33 post-1986 credits, along with three rental bonuses. The Township requested eight rental bonuses for several existing supportive and special needs housing units. Rental bonuses may only be granted, however, for supportive and special needs units that were placed into service subsequent to June 6, 1999. The units in the Maplewood Senior Citizen Housing development will remain affordable for the duration of the period of third round substantive certification. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11

Prior Cycle Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/ Bedrooms
Maplewood Senior Citizen Housing	1979 ⁴	Age-restricted rental	28
TOTAL			28

³ This project was awarded credit for 114 units in a Final Judgment of Compliance and Order of Repose entered July 9, 1993. N.J.A.C. 5:97-4.1(c)

⁴ *Ibid.*

Post-1986 Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
ARC of Essex County- 27 Meadowbrook Place	1996	S/SN housing	1	-	0	1
ARC of Essex County- 49 Meadowbrook Place	1996	S/SN housing	2	-	0	2
ARC of Essex County- 130 Boyden Avenue	1996	S/SN housing	2	-	0	2
Community Action for Independent Living	1999	S/SN housing	5	Rental	1.25	6.25
Cerebral Palsy of North Jersey	2001	S/SN housing	3	Rental	0.75	3.75
Collaborative Support Programs of NJ	1996	S/SN housing	3	-	0	3
Project Live, 5	1996	S/SN housing	3	-	0	3
Project Live, 6	1997	S/SN housing	3	-	0	3
Our House	1992	S/SN housing	6	-	0	6
Jewish Services for the Developmentally Disabled	2007	S/SN housing	5	Rental	1.25	6.25
TOTALS			33		3	36

Proposed Affordable Housing Mechanisms

Maplewood proposes to address its remaining growth share obligation of 45 units through the following mechanisms:

Redevelopment Area 1

Maplewood will utilize development in Redevelopment Area 1 to address four units of its projected growth share obligation.

Maplewood will follow an implementation schedule for the development to occur in Redevelopment Area 1. Pursuant to N.J.A.C. 5:97-3.2(a)4, Maplewood has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C.

5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d)1.

The Township Committee passed a resolution on October 19, 2004 declaring the parcels that make up Redevelopment Area 1 to be an Area in Need of Redevelopment. The redevelopment area is 4.5 acres in size, constitutes block 31.05, lots 1, 3-7, 10, 16-18, 18.01, 19.01, 20, 20.01, and covers the eastbound side of Springfield Avenue approximately between Boyden Avenue and Tuscan Road. The redevelopment area presently contains a mix of land uses including retail, residential, and offices, housed in stand-alone structures and multi-tenant, mixed-use buildings. The surrounding land uses immediately outside of the redevelopment area are residential, religious, and educational. The redevelopment area is located entirely in Planning Area 1. A Redevelopment Plan for the area has yet to be adopted, but it is anticipated this will occur in January of 2011. Upon completion and adoption of a Redevelopment Plan, it is then anticipated that construction on the site will begin in July of 2015. Maplewood envisions a mixed-use development on the site, yielding 22 market rate residential units, four affordable family rental units, and 22,000 square feet of commercial development. The area contains public water and public sewer adequate to support the anticipated development. Supporting documentation for Redevelopment Area 1 is required to be submitted to COAH no later than two years before construction on the project begins.

Redevelopment Area 2

Maplewood will rely on development in Redevelopment Area 2 to address 38 units of its projected growth share obligation, with 15 units being created on the site of the former Universal Chain building and the remaining 23 units being created in the balance of the redevelopment area. The Township has additionally requested eight redevelopment bonuses and 13 rental bonuses. As only family rental units in excess of the minimum family requirement are eligible for rental bonuses, only 12 rental bonuses may be granted. Additionally, although the Township is not eligible at this time to receive the eight redevelopment bonuses, they may be granted in the future if the requirements of N.J.A.C. 5:97- 3.19 are met.

Maplewood will follow an implementation schedule for the development to occur in Redevelopment Area 2. Pursuant to N.J.A.C. 5:97-3.2(a)4, Maplewood has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7.

The Township Committee passed a resolution on April 19, 2005 declaring the parcels that make up Redevelopment Area 2 to be an Area in Need of Redevelopment. A Redevelopment Plan was subsequently adopted by the Township Committee on February 20, 2007. The redevelopment area is 11.48 acres in size, constitutes block 48.47, lots 1, 1.01, 5.01, 7, 123, 124.01, 130.02, 131, 138, 140, 140.01, 143, 167 and is bounded by Burnett Avenue, Tuscan Road and Boyden Avenue. The site contains former and present industrial uses, one office building, an automobile repair and storage use, and two residential uses. The redevelopment area is located entirely in Planning Area 1. The site is immediately surrounded by residential, industrial, and recreational uses. The redevelopment area additionally contains a parcel that is both a designated Superfund site and the subject of an open file with the New Jersey Department of Environmental Protection (DEP), for which the Township has received DEP approval of a Revised SI Report/Remedial Investigation Work Plan. It has not yet been determined what type of development will occur on this parcel. The adopted Redevelopment Plan additionally acknowledges that redevelopment that occurs on this parcel may ultimately be constrained by ongoing monitoring or remediation. The Redevelopment Plan, exclusive of the Universal Chain site, envisions residential uses for the site, resulting in 200 market rate units and 23 affordable family for-sale units.

One parcel in Redevelopment Area 2 is already the subject of a development approval that will yield 14 affordable housing units. The Township of Maplewood Zoning Board of Adjustment granted approval on October 6, 2005 for a 124-unit age-restricted for-sale development at the former site of the Universal Chain industrial building. This approval included a requirement that the applicant enter into a developer's agreement with the Township which would include a provision for affordable housing. This developer's agreement has yet to be finalized as the Township has indicated that the

developer of the site intends to seek amended site plan approval to convert the development from age-restricted for-sale units to family rental units and to construct an additional eight market rate units and one affordable unit. The Township expects that the eventual developer's agreement will stipulate that 15 of the 132 units will be family rental units made available to moderate- and low-income households. A letter from the developer to the Township dated July 31, 2008 signals the developer's intent to seek approval to convert the units from age-restricted to non age-restricted and affirms the commitment to provide on-site affordable units. A letter from Janice Talley, the Township's plan preparer, dated May 12, 2009 states that the 15 affordable rental units will not be age-restricted. Pursuant to N.J.A.C. 5:97-3.6(a)3, the Township has provided a firm commitment for construction of the units and is thus eligible to receive 13 rental bonuses. In the event the units are not constructed in accordance with its implementation schedule, Maplewood may lose the rental bonuses pursuant to N.J.A.C. 5:97-3.6(a)3ii.

Construction is anticipated to begin on the site in June of 2012. Supporting documentation for Redevelopment Area 2 is required to be submitted to COAH no later than two years before construction on the project begins.

Redevelopment Area 3

Maplewood will rely on development in Redevelopment Area 3 to address eight units of its projected growth share obligation.

Maplewood will follow an implementation schedule for the development to occur in Redevelopment Area 3. Pursuant to N.J.A.C. 5:97-3.2(a)4, Maplewood has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d)1.

The Township Committee passed a resolution on July 5, 2006 declaring the parcels that make up Redevelopment Area 3 to be an Area in Need of Redevelopment. The redevelopment area is approximately 4.5 acres in size, constitutes block 47.04, lots 144-147, 160, 162, 164-166 and block 49.14, lots 1, 3, and covers the eastbound side of Springfield Avenue approximately between Tuscan Road and Vermont Street. The

redevelopment area presently contains a variety of land uses including a number of automobile-related businesses, retail and residential uses, housed in stand-alone structures and multi-tenant, mixed-use buildings. The immediate surrounding land use is primarily residential, with Maplecrest Park adjacent to the site. The redevelopment area is located entirely in Planning Area 1. Maplewood anticipates that a Redevelopment Plan for the area will be adopted in January of 2010 and that construction on the site will begin in August of 2011. The Township envisions that the site will develop with 60 market rate units, 15,000 square feet of commercial development, and eight affordable family rental units. The area contains public water and public sewer adequate to support the anticipated development. If Maplewood is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4 the Council may direct the municipality to amend its implementation schedule or amend its plan to address the shortfall.

Proposed Growth Share AH Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Redevelopment Area 1	Family rental	4	-	0	4
Redevelopment Area 2	Family for-sale	23	-	0	23
Redevelopment Area 2- Universal Chain site	Family rental	15	Rental	12	27
Redevelopment Area 3	Family rental	8	-	0	8
TOTALS		50		12	62

Growth Share Parameters

Maplewood has satisfied the applicable growth share parameters as follows:

Growth Share Rental Obligation⁵: 29 Units

Development/Project Name	Type of Affordable Unit	# Units
Arc of Essex County- 27 Meadowbrook Place	S/SN housing	1
Arc of Essex County- 49 Meadowbrook Place	S/SN housing	2
Arc of Essex County- 130 Boyden Avenue	S/SN housing	2
Community Action for Independent Living	S/SN housing	5
Cerebral Palsy of North Jersey	S/SN housing	3
Collaborative Support Programs of NJ	S/SN housing	3
Project Live, 5	S/SN housing	3
Project Live, 6	S/SN housing	3
Our House	S/SN housing	6
Jewish Services for the Developmentally Disabled	S/SN housing	5
Redevelopment Area 1	Family rental	4
Redevelopment Area 2- Universal Chain site	Family rental	15
Redevelopment Area 3	Family rental	8
Maplewood Senior Citizen Housing	Age-restricted rental	28
TOTAL		88

⁵ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(114) = 29$ units N.J.A.C. 5:97-3.10(b)3

Growth Share Family Rental Requirement⁶: 15 Units

Development/Project Name	Type of Affordable Unit	# Units
Redevelopment Area 1	Family rental	4
Redevelopment Area 2- Universal Chain site	Family rental	15
Redevelopment Area 3	Family rental	8
TOTAL		27

Growth Share Minimum Family Requirement⁷: 50 Units

Development/Project Name	Type of Affordable Unit	# Units
Redevelopment Area 1	Family rental	4
Redevelopment Area 2	Family for-sale	23
Redevelopment Area 2- Universal Chain site	Family rental	15
Redevelopment Area 3	Family rental	8
TOTAL		50

Age-Restricted Maximum⁸: 28 Units

Development/Project Name	Type of Affordable Unit	# Units
Maplewood Senior Housing	Age-restricted rental	28
TOTAL		28

⁶ Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(29)= 15 units N.J.A.C. 5:97-3.4(b)

⁷ Projected Growth Share Family Requirement: .5(Units Addressing Growth Share Obligation) or .5(114-15)= 50 units N.J.A.C. 5:97-3.9

⁸ Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(114)= 28 units N.J.A.C. 5:97-3.10(c)2

Very Low Income Minimum Requirement⁹: 12 Units

Development/Project Name	Type of Affordable Unit	# Units
ARC of Essex County- 27 Meadowbrook Place	S/SN housing	1
ARC of Essex County- 49 Meadowbrook Place	S/SN housing	2
ARC of Essex County- 130 Boyden Avenue	S/SN housing	2
Community Action for Independent Living	S/SN housing	5
Cerebral Palsy of North Jersey	S/SN housing	3
Collaborative Support Programs of NJ	S/SN housing	3
Project Live, 5	S/SN housing	3
Project Live, 6	S/SN housing	3
Our House	S/SN housing	6
Jewish Services for the Developmentally Disabled	S/SN housing	5
TOTAL		33

Bonus Maximum¹⁰: 28 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
Community Action for Independent Living	Rental	1.25
Cerebral Palsy of North Jersey	Rental	0.75
Jewish Services for the Developmentally Disabled	Rental	1.25
Redevelopment Area 2- Universal Chain site	Rental	12
TOTAL		15

⁹ Growth Share Very Low Income Requirement: .13(Units Addressing Growth Share Obligation) or .13(114-15)= 12 units N.J.S.A. 52:27D-329.1

¹⁰ Projected Bonus Maximum: .25(Projected Growth Share) or .25(114)= 28 units N.J.A.C. 5:97-3.20(b)

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 30, 2008, Maplewood has issued certificates of occupancy for 38 housing units and also for the non-residential square footage equivalent of 182 jobs, yielding an actual growth share obligation through September 30, 2008, of 19 affordable units.¹¹

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 125 Units

Program Name	Credits	Proposed
Maplewood Affordable Housing Program	33	71
Essex County Home Improvement Program	11	10
Subtotal	44	81
TOTAL		125

PRIOR ROUND SUMMARY

Prior Round Obligation: 51 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Maplewood Senior Housing	51			51
	Subtotal	51		0	
	TOTAL				51

¹¹ The number of residential COs (38) is divided by 5 to yield 7.6 units and the number of jobs (182) is divided by 16 to yield 11.4 units. Maplewood's actual growth share is therefore 19 units (7.6 + 11.4).

GROWTH SHARE SUMMARY

Projected Growth Share Obligation: 114 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Maplewood Senior Housing	28			28
Post-1986 Credits	ARC of Essex County- 27 Meadowbrook Place	1	-	0	1
	ARC of Essex County- 49 Meadowbrook Place	2	-	0	2
	ARC of Essex County- 130 Boyden Avenue	2	-	0	2
	Community Action for Independent Living	5	Rental	1.25	6.25
	Cerebral Palsy of North Jersey	3	Rental	0.75	3.75
	Collaborative Support Programs of NJ	3	-	0	3
	Project Live, 5	3	-	0	3
	Project Live, 6	3	-	0	3
	Our House	6	-	0	6
	Jewish Services for the Developmentally Disabled	5	Rental	1.25	6.25
Subtotal		61		3	
Proposed Mechanisms	Redevelopment Area 1	4	-	0	4
	Redevelopment Area 2	23	-	0	23

	Name of Mechanism	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Proposed Mechanisms	Redevelopment Area 2- Universal Chain site	15	Rental	12	28
	Redevelopment Area 3	8	-	0	8
	Subtotal	50		12	
TOTAL					126
Surplus					12

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Maplewood submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance will be reviewed by COAH in a separate report.

B. Third Round Spending Plan

A third round spending plan was submitted by Maplewood with the township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Maplewood has submitted a revised draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has also been amended to comply with the Barrier Free Subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing Jean Plantin to the position of municipal housing liaison were adopted by Maplewood on March 6, 2007.

Maplewood is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the township and must identify an experienced administrative entity for that purpose by the contract, agreement or letter. Maplewood has submitted a contract with Community Grants, Planning, and Housing as its administrative entity for all affordable units. Pursuant to N.J.A.C. 5:80-26.14(b), Maplewood has also submitted a written operating manual for administering affordable units within the Township.

D. Affirmative Marketing Plan

Maplewood has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Maplewood's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by Maplewood within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. MONITORING

Maplewood must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified during monitoring prior to the first biennial plan evaluation. At that time, COAH staff will confirm the creditworthiness of the units. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4 in order for credit to be retained. If the units are determined not to be credit worthy, COAH will notify Maplewood in writing detailing the reasons why the units are not eligible to address the municipality's affordable housing obligation. The Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Maplewood's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Maplewood and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

V. RECOMMENDATION

COAH staff recommends that Maplewood be granted third round substantive certification. Maplewood must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.